



General Assembly

Substitute Bill No. 1448

January Session, 2007

* SB01448APP 052207 *

**AN ACT EXTENDING THE STATE PHYSICIAN PROFILE AND
RELATED MALPRACTICE REPORTING REQUIREMENTS TO
CERTAIN OTHER HEALTH CARE PROVIDERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-13j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) For the purposes of this section:

4 (1) "Department" means the Department of Public Health; [,] and
5 ["physician" means a physician licensed pursuant to this chapter]

6 (2) "Health care provider" means: (A) A physician licensed under
7 this chapter; (B) a dentist licensed under chapter 379; (C) a chiropractor
8 licensed under chapter 372; (D) an optometrist licensed under chapter
9 380; (E) a podiatrist licensed under chapter 375; (F) a natureopath
10 licensed under chapter 373; (G) a dental hygienist licensed under
11 chapter 379a; (H) an advanced practice registered nurse licensed under
12 chapter 378; or (I) a physical therapist licensed under chapter 376.

13 (b) The department, after consultation with the Connecticut Medical
14 Examining Board, [and] the Connecticut State Medical Society, or any
15 other appropriate state board, shall collect the following information to
16 create an individual profile on each [physician] health care provider
17 for dissemination to the public:

18 (1) The name of the medical or dental school, chiropractic college,
19 school or college of optometry, school or college of chiropody or
20 podiatry, school or college of natureopathy, school of dental hygiene,
21 school of physical therapy or other school or institution giving
22 instruction in the healing arts attended by the [physician] health care
23 provider and the date of graduation;

24 (2) The site, training, discipline and inclusive dates of [the
25 physician's] any completed postgraduate [medical] education or other
26 professional education required pursuant to the applicable licensure
27 section of the general statutes;

28 (3) The area of the [physician's] health care provider's practice
29 specialty;

30 (4) The address of the [physician's] health care provider's primary
31 practice location or primary practice locations, if more than one;

32 (5) A list of languages, other than English, spoken at the
33 [physician's] health care provider's primary practice locations;

34 (6) An indication of any disciplinary action taken against the
35 [physician] health care provider by the department, the appropriate
36 state board or any professional licensing or disciplinary body in
37 another jurisdiction;

38 (7) [Any] With respect to a physician, any current certifications
39 issued to the physician by a specialty board of the American Board of
40 Medical Specialties;

41 (8) [The] With respect to a physician, the hospitals and nursing
42 homes at which the physician has admitting privileges;

43 (9) [Any] With respect to a physician, any appointments of the
44 physician to a Connecticut medical school [faculties] faculty and an
45 indication as to whether the physician has current responsibility for
46 graduate medical education;

47 (10) A listing of the [physician's] health care provider's publications
48 in peer reviewed literature;

49 (11) A listing of the [physician's] health care provider's professional
50 services, activities and awards;

51 (12) [Any] With respect to a physician, any hospital disciplinary
52 actions against the physician that resulted, within the past ten years, in
53 the termination or revocation of the physician's hospital privileges for
54 a medical disciplinary cause or reason, or the resignation from, or
55 nonrenewal of, medical staff membership or the restriction of
56 privileges at a hospital taken in lieu of or in settlement of a pending
57 disciplinary case related to medical competence in such hospital;

58 (13) A description of any criminal conviction of the [physician]
59 health care provider for a felony within the last ten years. For the
60 purposes of this subdivision, a [physician] health care provider shall
61 be deemed to be convicted of a felony if the [physician] health care
62 provider pleaded guilty or was found or adjudged guilty by a court of
63 competent jurisdiction or has been convicted of a felony by the entry of
64 a plea of nolo contendere;

65 (14) To the extent available, and consistent with the provisions of
66 subsection (c) of this section, all [medical] professional malpractice
67 court judgments and all [medical] professional malpractice arbitration
68 awards against the [physician] health care provider in which a
69 payment was awarded to a complaining party during the last ten
70 years, and all settlements of [medical] professional malpractice claims
71 against the [physician] health care provider in which a payment was
72 made to a complaining party within the last ten years;

73 (15) An indication as to whether the [physician] health care provider
74 is actively involved in patient care; and

75 (16) The name of the [physician's] health care provider's
76 professional liability insurance carrier.

77 (c) Any report of a [medical] professional malpractice judgment or
78 award against a [physician] health care provider made under
79 subdivision (14) of subsection (b) of this section shall comply with the
80 following: (1) Dispositions of paid claims shall be reported in a
81 minimum of three graduated categories indicating the level of
82 significance of the award or settlement; (2) information concerning
83 paid [medical] professional malpractice claims shall be placed in
84 context by comparing an individual [physician's medical] health care
85 provider's professional malpractice judgments, awards and
86 settlements to the experience of other [physicians] health care
87 providers licensed in Connecticut who perform procedures and treat
88 patients with a similar degree of risk; (3) all judgment award and
89 settlement information reported shall be limited to amounts actually
90 paid by or on behalf of the [physician] health care provider; and (4)
91 comparisons of professional malpractice payment data shall be
92 accompanied by (A) an explanation of the fact that [physicians] health
93 care providers treating certain patients and performing certain
94 procedures are more likely to be the subject of litigation than others
95 and that the comparison given is for [physicians] health care providers
96 who perform procedures and treat patients with a similar degree of
97 risk; (B) a statement that the report reflects data for the last ten years
98 and the recipient should take into account the number of years the
99 [physician] health care provider has been in practice when considering
100 the data; (C) an explanation that an incident giving rise to a
101 professional malpractice claim may have occurred years before any
102 payment was made due to the time lawsuits take to move through the
103 legal system; (D) an explanation of the effect of treating high-risk
104 patients on a [physician's] health care provider's professional
105 malpractice history; and (E) an explanation that professional
106 malpractice cases may be settled for reasons other than liability and
107 that settlements are sometimes made by the insurer without the
108 [physician's] health care provider's consent. Information concerning all
109 settlements shall be accompanied by the following statement:
110 "Settlement of a claim may occur for a variety of reasons that do not
111 necessarily reflect negatively on the professional competence or

112 conduct of the [physician] health care provider. A payment in
113 settlement of a [medical] professional malpractice action or claim
114 should not be construed as creating a presumption that [medical]
115 professional malpractice has occurred."

116 (d) Pending professional malpractice claims against a [physician]
117 health care provider and actual amounts paid by or on behalf of a
118 [physician] health care provider in connection with a professional
119 malpractice judgment, award or settlement shall not be disclosed by
120 the department to the public. This subsection shall not be construed to
121 prevent the department from investigating and disciplining a
122 [physician] health care provider on the basis of [medical] professional
123 malpractice claims that are pending.

124 (e) Prior to the initial release of a [physician's] health care provider's
125 profile to the public, the department shall provide the [physician]
126 health care provider with a copy of the [physician's] health care
127 provider's profile. Additionally, any amendments or modifications to
128 the profile that were not supplied by the [physician] health care
129 provider or not generated by the department itself shall be provided to
130 the [physician] health care provider for review prior to release to the
131 public. A [physician] health care provider shall have sixty days from
132 the date the department mails or delivers the prepublication copy to
133 dispute the accuracy of any information that the department proposes
134 to include in such profile and to submit a written statement setting
135 forth the basis for such dispute. If a [physician] health care provider
136 does not notify the department that the [physician] health care
137 provider disputes the accuracy of such information within such sixty-
138 day period, the department shall make the profile available to the
139 public and the [physician] health care provider shall be deemed to
140 have approved the profile and all information contained [therein] in
141 the profile. If a [physician] health care provider notifies the department
142 that the [physician] health care provider disputes the accuracy of such
143 information in accordance with this subsection, the [physician's] health
144 care provider's profile shall be released to the public without the
145 disputed information, but with a statement to the effect that

146 information in the identified category is currently the subject of a
147 dispute and is therefore not currently available. Not later than thirty
148 days after the department's receipt of notice of a dispute, the
149 department shall review any information submitted by the [physician]
150 health care provider in support of such dispute and determine whether
151 to amend the information contained in the profile. In the event that the
152 department determines not to amend the disputed information, the
153 disputed information shall be included in the profile with a statement
154 that such information is disputed by the [physician] health care
155 provider.

156 (f) A [physician] health care provider may elect to have the
157 [physician's] health care provider's profile omit information provided
158 pursuant to subdivisions (9) to (11), inclusive, of subsection (b) of this
159 section. In collecting information for such profiles and in the
160 dissemination of such profiles, the department shall inform
161 [physicians] health care providers that they may choose not to provide
162 the information described in said subdivisions (9) to (11), inclusive.

163 (g) Each profile created pursuant to this section shall include the
164 following statement: "This profile contains information that may be
165 used as a starting point in evaluating [the physician] a health care
166 provider. This profile should not, however, be your sole basis for
167 selecting a [physician] health care provider."

168 (h) The department shall maintain a web site on the Internet for use
169 by the public in obtaining profiles of [physicians] health care
170 providers.

171 (i) No state law that would otherwise prohibit, limit or penalize
172 disclosure of information about a [physician] health care provider shall
173 apply to disclosure of information required by this section.

174 (j) All information provided by a [physician] health care provider
175 pursuant to this section shall be subject to the [penalties of] penalty for
176 false statement [, pursuant to] under section 53a-157b.

177 (k) Except for the information in subdivisions (1), (2), (10) and (11)
178 of subsection (b) of this section, a [physician] health care provider shall
179 notify the department of any changes to the information required in
180 [said] subsection (b) of this section not later than sixty days after such
181 change.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2007	20-13j
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JUD *Joint Favorable Subst.*

PH *Joint Favorable*

APP *Joint Favorable*